

FAULTY EVIDENCE: PROBLEMS WITH THE CASE AGAINST LEE HARVEY OSWALD

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File away evidence

In 1964 the Warren Commission (WC) concluded that President John F. Kennedy was assassinated by a lone gunman, Lee Harvey Oswald, and that there was no conspiracy involved in the killing. The Commission asserted that Oswald shot JFK from the sixth floor of the Texas School Book Depository (TSBD) Building in Dallas, Texas, with an Italian-made 6.5 Mannlicher-Carcano rifle at 12:30 P.M. on November 22, 1963.

WC defenders maintain that the case against Oswald is airtight, and that were he to stand trial today he would be found guilty of the assassination.

Critics of the WC, on the other hand, assert that Oswald was framed, that the case against him is flawed at almost every point, and that an impartial jury would acquit him in a trial where the normal legal standards of evidence were applied. In their view, not only is there far more than a reasonable doubt about Oswald's guilt, but the available evidence shows he did not shoot the President. Most WC critics also believe that Kennedy was killed as the result of a conspiracy.

The purpose of this paper is to examine some of the problems with the case against Lee Harvey Oswald.

Oswald and the Mannlicher-Carcano Rifle

One of the first steps in building a case against Oswald would be to link him to the alleged murder weapon, the Mannlicher-Carcano rifle. But this is just one of the many areas where a prosecutor would encounter difficulties. Although at first glance there appears to be a strong connection between Oswald and the Italian-made rifle, the link becomes questionable upon further examination.

WC defenders note that the order form, money order, and envelope used to purchase the Mannlicher-Carcano were filled out in handwriting identified as Oswald's (see, for example, Moore 48). Furthermore, they point to Oswald's alleged use of the alias "Alek Hidell." The rifle was sent to Oswald's post office box, but it was ordered in the name of, and addressed to, "A. Hidell." According to the Dallas police, Oswald was carrying an "Alek J. Hidell" ID card when he was arrested. Here's where things get interesting.

To begin with, Oswald was at work when he is said to have purchased the money order (Summers 213). So who bought the money order? If Oswald didn't buy it, why does the handwriting on it seem to be his? There are forgers who can copy a person's handwriting so well that it is difficult if not impossible to detect their fakery, especially if only a small quantity of writing is required. Also, the original order form and envelope were destroyed, so the FBI had to rely on microfilm copies of this evidence.

Another problem with the connection between Oswald and the Carcano is that nobody at Oswald's post office reported giving him a hefty package such as the kind in which a rifle would be shipped (Summers 59; Meagher 50). In fact, none of those postal workers reported ever giving Oswald ANY kind of a package. Oddly, the FBI apparently made no effort to establish that Oswald picked up the rifle from the post office, or that he had ever received a package of any kind there. Furthermore, postal regulations required that only those persons named on the post office box's registration form could receive items of

mail from the box, yet there is no evidence that Oswald listed the name of Hidell on the form (Smith 290-291). In fact, in a report dated 3 June 1964, the FBI stated, "Our investigation has revealed that Oswald did NOT indicate on his application that others, including an 'A. Hidell,' would receive mail through the box in question" (Meagher 49, emphasis added).

There is a discrepancy in size between the weapon ordered by "A. Hidell" and the rifle that Oswald allegedly left behind on the sixth floor of the TSBD. "A. Hidell" ordered item C20-T750 from an advertisement placed by Klein's Sporting Goods in the February 1963 issue of AMERICAN RIFLEMAN. The rifle that was listed as item C20-T750 is 36 inches long. However, the Mannlicher-Carcano that Oswald supposedly abandoned on the sixth floor of the Book Depository Building is 40.2 inches long (Lifton 20).

Most conspiracy theorists see the mail-order murder weapon and the "Hidell" ID card as evidence of a frame-up. They note the sheer stupidity of it all. In the Texas of 1963 Oswald could have bought a rifle across the counter with few if any questions asked. He could have done so and risked only a future debatable identification by some gun shop worker. Instead, we are told, Oswald ordered the murder weapon by using the alias "A. Hidell," gave his own post office box number, committed his handwriting to paper, and then went out to assassinate the President of the United States with this same "Hidell"-purchased rifle and while carrying a "Hidell" ID card in his wallet!

Many WC critics doubt that Oswald was carrying the "Hidell" ID card at the time of his arrest. They point to the fact that the Dallas police said nothing about the fake ID card until the FBI later announced that the alleged murder weapon had been ordered by an "A. Hidell." Critics also note that neither the phony identification nor the use of an alias is mentioned in the transcripts of the radio traffic between the arresting officers and the police station (Groden and Livingstone 183-184; Lane 133-136). One of the officers who brought Oswald to the police station, Paul Bentley, said he established Oswald's identify by going through his belongings, and there was no suggestion that Bentley had to decide whether his suspect was named Oswald or Hidell. Said Bentley, "On the way to City Hall I removed the suspect's wallet and obtained his name" (Groden and Livingstone 184). Additionally, not one of the arresting officers mentioned finding or seeing the Hidell ID card in their reports to the police chief two weeks after the assassination (Meagher 186). (A further twist comes from the fact that former FBI agent James Hosty, who worked out of the Dallas FBI office at the time of the assassination, claims in a recent book that Oswald's wallet was actually found at the J. D. Tippit murder scene!)

If Oswald did order the rifle and maintain possession of it for a while, he could have been instructed to do so by those who were framing him to be the patsy for the assassination. If nothing else, the plotters could have arranged for Oswald to handle the rifle before the shooting, in order to get some of his prints on the weapon. The Dallas police found some partial fingerprints on the Carcano's magazine housing (a part of the trigger guard). The FBI studied these prints the day after the assassination and determined that they were worthless for identification purposes. However, in recent years two independent fingerprint experts examined photographs of the prints and concluded they were Oswald's. What is odd about these prints is that they were located on a part of the rifle that would NOT have been handled while it was being fired. Some researchers are understandably skeptical of the recent identification of the partial prints as Oswald's. But, if the prints are his, then I would suggest they were made as a result of Oswald being manipulated into handling the rifle shortly before the shooting.

Are the partial prints Oswald's? Fingerprint experts Jerry Powdrill and Vincent J. Scalice examined photos of the prints in 1993 and concluded they were Oswald's. Many conspiracy theorists are skeptical of this identification and point out that the prints were studied carefully in 1963 by the FBI's Sebastian Latona, a highly skilled and experienced fingerprint expert, and found to be worthless. WC defenders reply that Latona didn't have access to the same photos of the prints that Powdrill and Scalice were able

to use. However, not only was Latona able to study the original prints themselves, but he had additional pictures taken of them for examination purposes. Latona's WC testimony leads many researchers to doubt the validity of Powdrill's and Scalice's identification. Here is what Latona said about his analysis of the prints:

Mr. LATONA. I could see faintly ridge formations there. However, examination disclosed to me that the formations, the ridge formations and characteristics, were insufficient for purposes of either effecting identification or a determination that the print was not identical with the prints of people. Accordingly, my opinion simply was that the latent prints which were there were of no value. Now, I did not stop there.

Mr. EISENBERG. Before we leave those prints, Mr. Latona, had those been developed by the powder method?

Mr. LATONA. Yes; they had.

Mr. EISENBERG. Was that a gray powder?

Mr. LATONA. I assumed that they used gray powder in order to give them what little contrast could be seen. And it took some highlighting and sidelighting with the use of a spotlight to actually make those things discernible at all.

Representative FORD. As far as you are concerned.

Mr. LATONA. That's right.

Mr. DULLES. Is it likely or possible that those fingerprints could have been damaged or eroded in the passage from Texas to your hands?

Mr. LATONA. No, sir; I don't think so. In fact, I think we got the prints just like they were. There had, in addition to this rifle and that paper bag, which I received on the 23d--there had also been submitted to me some photographs which had been taken by the Dallas Police Department, at least alleged to have been taken by them, of these prints on this trigger guard which they developed. I examined the photographs very closely and I still could not determine any latent value in the photograph.

So then I took the rifle personally over to our photo laboratory. In the meantime, I had made arrangements to bring a photographer in especially for the purpose of photographing these latent prints for me, an experienced photographer--I called him in. I received this material in the Justice Building office of operations is in the Identification Division Building, which is at 2d and D Streets SW. So I made arrangements to immediately have a photographer come in and see if he could improve on the photographs that were taken by the Dallas Police Department.

Well, we spent, between the two of us, setting up the camera, looking at prints, highlighting, sidelighting, every type of lighting that we could conceivably think of, checking back and forth in the darkroom--we could not improve the condition of these latent prints.

So, accordingly, the final conclusion was simply that the latent print on this gun was of no value, the fragments that were there.

After that had been determined, I then proceeded to completely process the entire rifle, to see if there were any other prints of any significance or value any prints of value--I would not know what the significance would be, but to see if there were any other prints. (4 H 21)

Lone-gunman theorists assert that the Dallas police found Oswald's palm print on the barrel of the alleged murder weapon. However, the palm print had no chain of evidence, and the Dallas police did not tell the FBI about the print until AFTER Oswald was dead (he was shot by Jack Ruby on November 24). Until late in the evening of the 24th, journalists assigned to the Dallas police station were reporting that, according to their police sources, Oswald's prints had NOT been found on the rifle (Lifton 356 n). Dallas police officials said the same thing during public interviews, i.e., that Oswald's prints had NOT been found on the weapon. When the FBI's Latona examined the Carcano on November 23, he did not find Oswald's prints on the weapon. Moreover, Latona said the rifle's barrel did NOT look as though it had even been processed for prints. There is evidence that suggests the palm print was obtained from Oswald's dead body at the morgue, or later at the funeral home (Lifton 354-356 n; cf. Meagher 120-127). So suspicious was the palm print that even the WC privately had doubts about the manner in which it was obtained (Garrison 113; Marrs 445; cf. Lane 153-158).

The WC claimed that a paper bag and a blanket from Ruth Paine's garage also linked Oswald to the alleged murder weapon. According to the Commission, Oswald used the bag to carry the weapon into the TSBD on the day of the murder, and the bag was allegedly found in the sniper's nest. As for the blanket, the Commission said Oswald used the blanket to store the rifle in the preceding months. Yet, a prosecutor would encounter serious difficulties in trying to use this evidence to tie Oswald to the Carcano. Sylvia Meagher discusses some of the problems with these items:

The Commission . . . offered no firm physical evidence of a link between the paper bag and the rifle. The [Warren] Report does not mention the negative examination made by FBI expert James Cadigan. Cadigan said explicitly that he had been unable to find any marks, scratches, abrasions, or other indications that would tie the bag to the rifle. Those negative findings assume greater significance in the light of an FBI report (CE 2974) which states that the rifle found on the sixth floor of the Book Depository was in a well-oiled condition. It is difficult to understand why a well-oiled rifle carried in separate parts [as the WC claimed] would not have left distinct traces of oil on the paper bag, easily detected in laboratory tests if not with the naked eye. The expert testimony includes no mention of oil traces, a fact which in itself is cogent evidence against the Commission's conclusions.

Equally significant, there were no oil stains or traces on the blanket in which a well-oiled rifle ostensibly had been stored--not for hours but for months. This serves further to weaken, if not destroy, the Commission's arbitrary finding that the Carcano rifle had been wrapped in that blanket until the night before the assassination. (Meagher 62)

In fact, although the paper bag was allegedly found in the sniper's nest, incredibly, the Dallas police "failed" to take a crime-scene photograph of the bag lying in the nest! The bag does not appear in any of the pictures that were taken of the sniper's nest that afternoon. Some WC apologists have suggested that Lt. Day and Detective Studebaker, the two policemen who took snapshots of the nest, didn't photograph the bag because they didn't notice it. This is surely a farfetched explanation. The bag, which the Commission said measured 38" x 8" and was allegedly shaped "like a gun case," would have been in plain view and could not possibly have been "missed" or "overlooked." Since Day and Studebaker "noticed" the three spent shells lying on the floor, it strains the imagination to think they would not have noticed the 38" x 8" bag lying in the same small area. (Rusty Livingston, a former Dallas Police Crime Lab detective, says the bag was about 42 inches long. In a photo of the bag, which was taken long after it was "discovered," the bag is seen to measure 38 inches in length, although there appears to be a four-

inch flap folded over on the left edge of the bag.) The bag, say some WC supporters, was folded and thus was not easy to spot. But three of the policemen who saw a bag in the nest gave no indication that it was folded; they said it was a small bag and that a partially eaten chicken leg was lying beside it. One police officer specifically described the bag he saw as a small manufactured bag, such as the kind found in a grocery store's produce department. Another policeman described it as an ordinary lunch bag.

The other explanation offered by WC apologists to explain the "failure" to photograph the bag is that the bag was "accidentally" removed from the nest before it could be photographed. However, the police officer who supposedly removed the bag prematurely indicated that no evidence was removed until AFTER Day and Studebaker "took pictures and everything" (7 H 97). As one studies the WC testimony about the bag, one is struck by the utter confusion and contradiction in the accounts. The accounts differ markedly about where the bag was located, who found it, what it looked like, whether or not it was folded, whether or not it was even a "bag" at all, when it was removed from the sniper's nest, and who handled it. It should be mentioned that for some reason the bag did not leave the TSBD until three hours after it was supposedly discovered. The small paper bag seen in the sniper's nest probably had nothing to do with the long bag that was later presented as evidence by the Dallas police. Many researchers believe that the police and/or federal agents made the long bag partly with paper that Oswald had previously handled in an effort to strengthen the case against him. This would explain why only two of Oswald's prints were found on the bag (more should have been found), why the bag was devoid of gun oil even though the Carcano was well oiled when discovered, and why the bag did not leave the Depository for three hours.

And then there are the shirt fibers that were found on the Carcano. The fibers were reportedly found in the crevice between the rifle's butt plate and its wooden stock. The Commission noted that these fibers were found to match the shirt that Oswald was wearing when he was arrested at the Texas Theater. However, it appears that Oswald was NOT wearing that shirt at the Book Depository. Many researchers believe that the Dallas police rubbed the butt of the Carcano against the shirt Oswald was wearing at the theater. Apparently, the police did not realize that he had changed his clothing at his apartment after the shooting. Not a single fiber from the shirt that Oswald wore to work was found on the Italian rifle, nor were any fibers from his T-shirt found in the rifle.

The Commission claimed that Oswald did not change shirts after the shooting. However, the evidence indicates that he did in fact change his clothing at the boarding house following the assassination. Oswald stated during his interrogation that he wore a long-sleeved shirt and gray pants to work, and that he changed clothes after he arrived home. The interviewing agent said Oswald described the shirt as "reddish." A brown, long-sleeved shirt and gray pants were found in Oswald's apartment by the Dallas police after the shooting. What's more, four of the five witnesses who saw a man in the sixth-floor window said the man was wearing a "light-colored" regular shirt or jacket; the remaining witness said it was either a T-shirt or a regular shirt. One of the Commission's own star witnesses, Howard Brennan, who eventually claimed that he saw Oswald firing from the sixth-floor window, stated that the clothes Oswald was wearing in the police lineup were NOT the same ones he was wearing during the shooting (3 H 161). Similarly, Patrolman Marrion Baker, who encountered Oswald on the Depository's second floor less than ninety seconds after the shots were fired, testified that the shirt Oswald was wearing in the police lineup (which was the one he was wearing when he was arrested) was NOT the same shirt that Baker saw him wearing on the second floor (Brown 311-312).

What About the Famous Backyard Rifle Photographs?

"Surely," a good prosecutor would say, "Oswald is linked to the murder weapon by the three famous backyard photographs which show him holding the Mannlicher-Carcano rifle in one hand and radical newspapers in the other?" Furthermore, lone-assassin theorists point out that the backyard pictures were

authenticated by the panel of photographic experts retained by the House Select Committee on Assassinations (HSCA, 1976-1979). Again, the evidence looks impressive at first glance, but let's take a closer look.

The Dallas police said they found two backyard photographs. These are labeled CE 133-A and B. Each shows the Oswald figure in a different pose. Although the Dallas police said they found two negatives, one for A and one for B, only the B negative is known to exist. A new, and different, backyard photo of Oswald turned up in the possession of the widow of a former Dallas policeman in 1976. This is 133-C. Then, in 1977, a much clearer version of 133-A was found among the possessions of George DeMohrenschildt, a wealthy member of the Dallas Russian community who had intelligence connections and who was a friend of Oswald's. The DeMohrenschildt family has stated they believe the photo was planted in their father's belongings to further incriminate Oswald in the public mind.

According to the WC and the HSCA, all of the backyard snapshots were taken with a cheap, hand-held camera, known as the Imperial Reflex camera.

When the backyard photos were examined by Major John Pickard, a former commander of the photographic department of the Canadian Defense Department, he declared them to be fakes. Retired Detective Superintendent Malcolm Thompson, a past president of the Institute of Incorporated Photographers in England, analyzed the pictures and came to the same conclusion. (When the HSCA's photographic panel concluded that the backyard photos were authentic, Thompson deferred to the panel on most of the issues concerning the genuineness of the pictures. However, Thompson said he remained troubled by the chin on Oswald in the photos, which is different from his chin in other pictures.)

There are indications of fraud in the backyard photos that are obvious even to the layman. For example, the shadow of Oswald's nose falls in one direction while the shadow of his body falls in another direction. And, the shadow under Oswald's nose remains the same in all three photos even when his head is tilted. The HSCA's photographic panel could offer only an unrealistic reenactment based on highly improbable assumptions to explain the problematic nose shadow. In the end, the panel ended up appealing to a vanishing point analysis to explain all of the variant shadows in the backyard photos. I discussed this matter with a number of professional photographers, and none of them took the position that a vanishing point analysis would explain the kinds of conflicting shadows seen in the backyard pictures.

Another indication of fakery in the photos is the fact that the HSCA's photographic panel could find only minute ("very small") differences in the distances between objects in the backgrounds. This virtual sameness of backgrounds is a virtual impossibility given the manner in which the pictures were supposedly taken. In order to achieve this effect, Marina would have had to hold the camera in almost the exact same position, to within a tiny fraction of an inch each time, for each of the three photos, an extremely unlikely scenario, particularly in light of the fact that Oswald allegedly took the camera from her in between pictures to advance the film.

Furthermore, graphics expert Jack White has shown that the backgrounds in the photos are actually identical, and that the small differences in distance were artificially produced by a technique known as keystoneing. I would encourage those interested in more information on this subject to obtain Mr. White's video **FAKE: THE FORGED PHOTO THAT FRAMED OSWALD**.

White has also noted, as have other researchers, that in 133-B the Oswald figure is wearing a ring on a finger of his left hand, but in 133-A the ring is not visible. This is "a curious difference," says Anthony Summers, "if, as Marina testified, she took one picture after another in the space of a few moments" (552 n 65).

The shirt and watch worn by the Oswald figure in the photos were not found among Oswald's possessions. And the shirt, a pullover shirt, was not the style that Oswald usually wore.

The 133-A-DEM photo is much clearer than the snapshots that were allegedly removed from the Paine's garage. It is so clear and of such high quality that the newsprint is readable on the paper that the figure is holding. Researchers question whether the cheap, plastic, mass-produced Imperial Reflex camera could have captured such fine detail from the distance shown in the photographs. And, again, 133-A-DEM is much clearer and contains more detail than 133-A and 133-B.

Further doubt is cast on the backyard pictures by the ominous fact that a Dallas commercial photographer who examined and processed assassination-related photographs for the Dallas police and the FBI said he saw an FBI agent with a color transparency of one of the backyard pictures on November 22, which was the day BEFORE the police said they FOUND the photographs. The photographer further stated that one of the backyard photos he processed SHOWED NO FIGURE IN THE PICTURE (Marrs 451-452). His account was corroborated by his wife, who also helped process film on November 22.

Oswald's wife, Marina Oswald, is the one who supposedly took the backyard pictures. However, in a recently recorded interview, she said of the backyard photos, "THESE AREN'T THE PICTURES I TOOK" (Livingstone 454, emphasis added).

An important development in this matter occurred in 1992 when Dallas authorities released previously suppressed files on the JFK assassination. Among these files were several photos of Lee Harvey Oswald, two of which are backyard pictures that show clear signs of tampering. On February 9, 1992, the HOUSTON POST reported, "One photo of Oswald's backyard in the Oak Cliff section of Dallas shows clear evidence of darkroom manipulation" (Lane xxii). The POST further stated that the manipulation involved "attempts to frame Oswald by 'inserting' him into the background" of the picture (Lane xxii). The POST provided a description of the print:

In the manipulated print in police files Oswald does not appear. Instead, there is a white silhouette of a human figure holding an apparent rifle and newspapers. The silhouette appears to be an example of matting, a darkroom technique that can serve as an intermediate step in the combining of photographic images. (Lane xxii)

The silhouettes in the pictures appear to be right around Oswald's height, and they are in poses into which it appears the Oswald figure would fit.

The big question is, When were the manipulated prints made? If they were made after the assassination, then they might represent attempts by the Dallas police to see if the backyard photos could have been faked. But, if they were made prior to the shooting, they would constitute undeniable evidence of a conspiracy to frame Oswald.

The POST article went on to report that Hershhal Womack, a photographic expert at Texas Tech University, has noted "a variety of alleged inconsistencies with the backyard pictures."

In addition to the technical discrepancies in the photos, there were suspicious "irregularities" concerning the "finding" of the pictures. For starters, although the Dallas police said TWO negatives were found, only one negative is (or ever has been) in evidence. Also, the photos were supposedly found at the home of Michael and Ruth Paine, where Marina Oswald had been staying. But the snapshots weren't "found" until the day after the assassination, even though the Paine's home was searched "by various waves" of

policemen and FBI agents on the afternoon and evening of the shooting.

There are also puzzling irregularities about the "finding" of the Imperial Reflex camera (see, for example, Meagher 202-205).

Oswald's Alleged Marksmanship

The WC said Oswald fired at Kennedy three times, hitting him twice. But could any lone assassin have shot JFK in the manner described by the WC? Could Oswald have done so? The evidence strongly suggests that the answer to both of these questions is no.

Oswald was at best only an average marksman. President Kennedy was a moving target as his limousine traveled on Elm Street in Dealey Plaza. From the southeast corner window on the sixth floor of the Book Depository, Oswald would have been firing at the President from sixty feet up and from over two hundred feet away on average. Based on the Zapruder film and on eyewitness testimony, the WC believed that all three shots were fired in less than six seconds. There are doubts about the capabilities of the alleged murder weapon itself. In reenactments of the assassination, the expert marksmen hired by the WC were unable to duplicate Oswald's alleged shooting performance.

Nevertheless, a noted lone-gunman theorist, Professor Jacob Cohen of Brandeis University, maintains that Oswald's alleged marksmanship was entirely possible. However, Cohen finds it necessary to attempt to stretch the assassin's firing time from six seconds to over eight seconds:

. . . nothing in [the] Zapruder [film] indicates that a possible third shot, which missed, had to have come BETWEEN the two hits. The Warren Commission concluded only that there were probably three shots and that THE TWO HITS, not the three shots, came within 5.6 seconds of each other. The miss could have come first, or last, though it probably came first. That means the gunman had more than eight seconds to shoot, and more than five seconds--ample time--between the two hits. Even if the miss had come between the two hits, there would still have been 2.8 seconds for fire and re-fire--enough time even for an amateur used to handling guns, like Oswald. (Cohen 32-33, emphasis in original)

There are a number of problems with Cohen's scenario. To begin with, it is based on an acceptance of the magic- or single-bullet theory. Essentially, this theory says that a bullet struck Kennedy in the back of the neck, exited his throat, entered Governor John Connally (who was seated in front of the President) and caused all of the Governor's extensive wounds. This hypothesis has long been seriously questioned. In fact, even two members of the WC rejected the theory outright, and a third member was highly skeptical of it (Grodin and Livingstone 67-68). So, from the outset, Cohen's scenario is based on strongly disputed speculation. However, for the sake of argument, I will assume the correctness of the magic-bullet hypothesis.

Cohen's suggestion that the miss could have come last was ruled out by the WC itself. The Zapruder film indicates that the fatal head wound was the final hit. Furthermore, as the Commission pointed out, it is just not possible to ignore the substantial eyewitness testimony that the head shot was "the concluding event in the assassination sequence" (Moore 195).

It is true that the WC did not provide a final, definite opinion on which two of the three shots were hits. However, Jim Moore, a vocal advocate of the lone-gunman theory, acknowledges that the Commission's report "clearly indicated a leaning by its authors toward a second-shot miss" (195).

What about Cohen's claim that the lone assassin actually had more than eight seconds to fire? The majority of the assassination witnesses agreed that all the shots (whether three, four, or more in number) were fired within a time span of not more than five to six seconds (although some witnesses said the shooting took slightly longer). The WC agreed with this testimony and believed that in the Zapruder film the time span between the first hit on Kennedy and the fatal shot to his head was between 4.8 and 5.6 seconds.

This is not to say that there is no evidence that the shooting lasted more than six seconds. The Commission, it is clear, believed that its lone gunman did not fire prior to frame 207 of the Zapruder film, which would limit the firing time to slightly less than six seconds. However, if a shot was fired before this time, then the shooting took more than six seconds. There is, in fact, good evidence that TWO shots were fired prior to frame 207, one at around frames 145-150 and the other at around frame 190. The point is that it is extremely unlikely that the gunman in the sixth-floor window would have fired either shot.

Nearly everyone agrees that the Z145-150 shot missed. Yet, if the alleged lone gunman fired it, how did he manage to completely miss, not only Kennedy, but the entire limousine, from 60 feet up and from less than 140 feet away? As for the shot at around Z190, if the sixth-floor gunman fired it, then he either fired at a time when his view of the limousine was obscured by the oak tree or he fired during split-second break in the foliage of the intervening oak tree, at frame 186. However, he would have had only 1/18th of a second to aim and fire, whereas the human eye requires 1/6th of a second to register and react to data.

A gunman firing from a building closer to Main St., such as the Dal-Tex Building, would have had a good shot at the limousine prior to Z-frame 207, but this would not have been the case for someone shooting from the TSBD's sixth-floor window. The sixth-floor shooter's view of the limousine would have been obscured from frames 167 to 206, except for the split-second foliage break at frame 186. Some lone-gunman theorists now suggest that the supposed sole assassin fired before the President's limousine disappeared behind the intervening oak tree (from around frames 155-162) and/or during the split-second break in the oak tree's foliage (frame 186). Yet, as discussed above, it is extremely unlikely that the sixth-floor gunman fired at either time.

Any sensible assassin in the sixth-floor window would have waited until frame 207 before firing. It is particularly hard to imagine that he would have wasted a shot during the split-second break in the oak tree's foliage. Even the WC expressed great doubt that its sixth-floor shooter would have fired, much less hit the target, during the foliage break. The Commission's lone gunman had already passed up a perfect shot at the President as the limousine drove on Houston Street. Are we also supposed to believe that he compounded his error by taking a high-risk shot that had virtually no chance of hitting the target? No, if the sixth-floor shooter was half the marksman that WC defenders say he was, he would have known enough to hold his fire until frame 207. And, had he fired at around frame 160, he certainly would not have missed, not only JFK, but the entire limousine. (But even if the sixth-floor gunman had waited until frame 207 to fire, he would not have had an easy shot. Virtually all WC defenders maintain that the gunman's first hit came between frames 210 and 224, and most now say the hit occurred at Z223. However, the Commission determined that for this shot the gunman had less than eight-tenths of a second to aim and fire because until then the sixth-floor window's view of the limousine was obscured by the oak tree. Moreover, the limousine was going faster for the first hit than it was for the third hit. And, in that eight-tenths of a second the limousine, which was then slightly less than two hundred feet away, had just cleared the oak tree. This would have made it somewhat harder for the assassin's eye to zero in on the target.)

If one believes that there were only three shots, and that the gunman in the sixth-floor window fired all

of them, then the only plausible position is to assume that he didn't fire until the limousine came out from beneath the oak tree, at frames 207-210 (the limousine would have reemerged into view at Z207 and Kennedy at Z210). Therefore, we are left with the lone gunman scoring hits on his first and third shots, having less than six seconds to get off three rounds, with a maximum of only 2.8 seconds to fire and refire. The FBI established that the Carcano's rifle bolt and trigger could not be operated in less than 2.3 seconds. WC supporters claim that other, later timing tests prove that the Carcano could have been fired in well under two seconds per shot. However, not one of those subsequent timing tests used the alleged murder weapon itself. They used different Carcano rifles, not the one Oswald allegedly fired. When the FBI tested the supposed murder weapon itself, using expert marksmen, it established that that weapon could not be fired faster than 2.3 seconds per shot.

The lone gunman would have faced other problems as well. The sharpshooters in the WC's rifle tests reported that as newcomers to the Italian rifle they found the bolt so difficult to operate that it skewed their aim (Summers 46). The weapon was also found to have an odd trigger pull.

Other facts about the Mannlicher-Carcano make it extremely doubtful that anyone, least of all Oswald, could have used it to shoot Kennedy. The rifle needed metal shims placed under the telescopic sight before the Army testing laboratory could determine the weapon's accuracy. The metal shims had to be used because the telescopic sight was so unrelated to the rifle's line of fire, and so inexpertly attached, that it could not even be adjusted. Lone-gunman theorists reply that the scope might have been damaged when the rifle was allegedly thrown down in haste after the shooting, thus creating a need for the use of shims in realigning the scope. They further suggest that handling of the scope after the rifle's discovery might have contributed to the scope's being misaligned. However, photos of the rifle in its hiding place indicate that it was not hastily thrown down. In fact, it was discovered standing upright between a narrow gap between two rows of boxes. And the handling of the scope after the fact should not have caused it to be so misaligned.

Additionally, the gunsmith at the Aberdeen Proving Ground (APG), where the Carcano was examined, reported that the scope had been aligned as if for a left-handed person (Meagher 106). Oswald was right-handed. This, however, does not necessarily prove anything. In the CBS rifle test, the scope was aligned slightly to the left, to facilitate faster firing, yet some of the expert shooters managed to score at least two hits in three shots in less than six seconds anyway. But these were expert riflemen. The leftward alignment of the scope probably would have been awkward for a marksman of average ability, such as Oswald. In response, lone-gunman theorists claim that there is no such thing as a left-handed scope. But most conspiracists don't claim the scope was a "left-handed scope"; rather, they observe that, according to the APG's gunsmith, the scope had been aligned for a left-handed shooter. Lone-gunman theorists reply that neither is there such a thing as aligning a scope for a left-handed rifleman, but they are at a loss to explain why the APG's gunsmith reported the scope had been aligned "as if for a left-handed man." The answer probably lies in the fact that in order to be fired as rapidly as possible, the Carcano's scope would have had to be positioned slightly to the left. However, as mentioned, it is likely that this alignment would have been awkward for a gunman of average ability.

Moore asserts that the shot from the southeast corner window "was not difficult" (49). He adds that he has visited the window any times and that "the more I stood in the sixth-floor window, the easier Oswald's feat became" (49). Moore does not explain why the expert marksmen hired by the WC were unable to duplicate Oswald's alleged performance. In fact, they failed to do so even though they fired from a tower that was thirty feet lower than the sixth-floor window, and even though they fired at stationary targets, while Oswald, of course, would have been faced with a moving target. I think one of the reasons those shooters could not repeat Oswald's alleged feat was that they used the alleged murder weapon itself.

Moore claims that Oswald "apparently availed himself of many opportunities to work the bolt and to sight imaginary targets while familiarizing himself with the Carcano in his screened-in back porch" (49). There is no hard evidence to support this assertion.

If anything, the evidence indicates Oswald had very little time for target practice in the weeks preceding President Kennedy's death. Oswald's landlady reported that in the forty days preceding the assassination Oswald usually watched TV or read after he came home from work. On the weekends, he almost always visited his wife and children. When and where did Oswald have the chance to practice firing at a moving target from sixty feet up and from an average of two hundred feet away?

And Oswald would have needed lots of practice. He was at best an average shot. One of his Marine Corps buddies, Nelson Delgado, reported that Oswald had trouble meeting the minimum Marine marksmanship standards, and that he was such a poor shot that he often missed the target completely. In 1977 former Rockefeller Foundation fellow Henry Hurt interviewed over fifty of Oswald's Marine colleagues. Apparently, not one of them described the alleged assassin as an excellent shot, and nearly all of them agreed with Delgado's testimony that Oswald was a poor marksman (Hurt 99-100).

Some WC defenders point to the CBS television network's reenactment of the assassination as proof that Oswald could have shot Kennedy. The CBS rifle test was reported in the 1975 documentary *THE AMERICAN ASSASSINS* and was presented as evidence of the WC's findings regarding the shooting. However, CBS's reenactment failed to establish that Oswald could have done what the WC said he did.

The CBS test was not a realistic simulation of the shooting feat attributed to Oswald. CBS used eleven expert riflemen, but Oswald was an average marksman at best. Also, the CBS test assumed the correctness of the single-bullet theory. Therefore, the shooters were not required to load and fire their second shot, or any shot, in approximately one second. They should have been asked to do so since numerous witnesses from all over Dealey Plaza said two of the shots came so closely together that they were nearly simultaneous (see, for example, Menninger 249, 253, 278, 298, and Brown 92-93, 99, 115). Some of these witnesses said the two shots were so close together that they almost sounded like a single burst of two bullets from an automatic weapon. No gunman, no matter how skilled, could have fired the Carcano with that kind of speed, and, obviously, the CBS shooters were not required to do so.

It should also be kept in mind that the CBS reenactment did not take into account such matters as the cramped conditions in which Oswald would have had to fire, and the fact that in the forty days preceding the assassination Oswald had few if any chances to target practice. The riflemen in the CBS test did not use the supposed murder weapon itself. They used a Carcano, but not the one Oswald allegedly used. Additionally, not one of the expert CBS shooters managed to score at least two hits out of three shots in less than six seconds on his first attempt, yet Oswald would have had only one attempt. Seven of the CBS riflemen failed to score two hits on ANY of their attempts.

During the 1986 mock Oswald trial sponsored by a British television network, Monty Lutz, a former member of the HSCA's firearms panel, testified that to his knowledge no one had ever duplicated Oswald's alleged shooting performance. (Substantial portions of the mock trial were released in the form of the video presentation entitled *THE TRIAL OF LEE HARVEY OSWALD*, which has been shown on the A&E Network over the last few years.) Years earlier, FBI marksman and ballistics expert Robert Frazier said much the same thing during the Clay Shaw trial in 1969.

Oswald's Whereabouts at the Time of the Shooting

It goes without saying that a key component in any case against Oswald would be to place him at the scene of the crime when the crime was committed, i.e., to place him at the southeast corner window on

the sixth floor of the TSBD at the time of the shooting. But here, too, a prosecutor would be in for some very rough going.

The WC said Oswald was at the sniper's nest on the sixth floor at the time of the shooting. If so, then how is it he was seen by the building manager, Roy Truly, and a pistol-waving police officer, Patrolman Marrion Baker, well under ninety seconds afterwards on the SECOND floor, standing in the lunchroom with a Coke in his hand, giving every appearance of being perfectly calm and relaxed?

Moore and other lone-gunman theorists assume that Oswald bought the Coke after the encounter with the manager and the policeman (53). However, the available evidence indicates Oswald purchased the Coke before the second-floor encounter (Marrs 50-52). Furthermore, Oswald had no reason to lie about when he bought the Coke. When he mentioned the Coke-buying during his questioning, he did so in passing, and he could not have known the important role the timing of this detail would subsequently play in the investigation. I agree with what David Lifton has said on this subject:

The original news accounts said that when [Officer Marrion] Baker first saw Oswald, the latter was drinking a Coke. This seemingly minor fact was crucial, because if Oswald had time to operate the machine, open the bottle, and drink some soda, that would mean he was on the second floor even earlier than the Commission's reconstructions allowed. In a signed statement Officer Baker was asked to make in September 1964, at the tail-end of the investigation, he wrote: "I saw a man standing in the lunchroom drinking a coke." A line was drawn through "drinking a coke," and Baker initialed the corrected version. [Dallas] Police Captain Will Fritz, in his report on his interrogation of Oswald, wrote: "I asked Oswald where he was when the police officer stopped him. He said he was on the second floor drinking a Coca Cola when the officer came in."

If I were a juror, I would have believed Oswald already had the Coke in hand, and indeed, had drunk some of it, by the time the officer entered the lunchroom. (Lifton 351)

Oswald could not have made it to the second floor in well under ninety seconds, in time to be seen by Baker, and without being seen by Roy Truly. The evidence indicates that he was seen on the second floor about sixty to seventy-five seconds after the shots were fired. The Dallas police indicated that the alleged murder weapon was carefully hidden under and between a stack of book boxes at the OPPOSITE end of the sixth floor from where the shots were supposedly fired. It is reasonable to assume Oswald would have attempted to wipe his fingerprints off the rifle (at least those parts that he would have just handled while firing it). Someone wiped off the Carcano before it was "discovered" because the FBI found no identifiable prints on it when it examined the weapon on November 23. This would mean that in well under ninety seconds Oswald chambered another round, wiped off the rifle, squeezed out of the sniper's nest, ran all the way to the opposite end of the sixth floor, took the time to carefully hide the weapon under some boxes, ran down four flights of stairs to the second floor (actually eight small flights), made his way to the lunchroom, and then bought a Coke, and yet did not appear the least bit winded or nervous when seen by the manager and the policeman.

In most of his statements, Baker said that Oswald was walking away from him when he spotted him through the small window on the foyer door. Baker indicated that Oswald was about twenty feet from him when he saw him. The WC placed Oswald just past the foyer door, about eighteen feet from Baker when Baker allegedly spotted him. Yet, in Baker's final statement to the FBI, Baker said that when he spotted Oswald, Oswald was STANDING in the lunchroom.

The WC staged a reenactment to prove Oswald could have reached the second-floor lunchroom in about ninety seconds after supposedly shooting Kennedy. However, the person playing Oswald was only able

to meet the ninety-second time limit when he skipped wiping off the rifle, simply leaned over as if to drop the weapon on the floor (instead of carefully hiding it, although there is a conflicting report on this point), and delayed buying the Coke until after encountering the manager and the police officer (Weberman and Canfield 143-144; see also Brown 200-201, and Weisberg 110-122). And these are not the only alleged Oswald actions that the reenactment failed to simulate.

Furthermore, after wiping off the rifle and stashing it at the opposite end of the sixth floor, Oswald would have had to use the back stairway to reach the second floor as soon as possible. However, none of the people who were on or near that stairway heard footsteps or saw Oswald racing down the stairs for his encounter with the manager and the policeman (Marrs 53). What's more, if Oswald had come down the stairs to get to the lunchroom, he would have been seen by Roy Truly, who was running ahead of Baker.

Another clear indication that Oswald could not have made it to the second-floor lunchroom in time to be seen by Baker is the fact that the door to the lunchroom had an automatic closer, and the building manager, who was running up the stairs leading to the second floor ahead of the policeman, did NOT see the door close (and Baker probably didn't see it closing either, even though he later tentatively suggested he did to the WC). Notes Harold Weisberg,

With all the deliberateness of all the so-called reconstructions it still was not possible to get Oswald to and into that second-floor lunchroom before he would have been seen outside of it by the building manager, Roy Truly, who was rushing up those stairs ahead of police officer Marrion Baker.

Oswald was inside that lunchroom--the door to which had an automatic closer and with a Coke in his hand when Baker saw him through the small window in the door, he said, and when Truly, ahead of Baker and farther up the stairs, did not see him or the door close. (Weisberg 88)

According to the WC, Oswald went through the foyer door just a second or two before Baker spotted him. If so, Truly would have seen Oswald going through or approaching the door, and if the former had been the case then the door would have been virtually wide open when Truly passed it. Yet, Truly said nothing in any of his statements about seeing the door open or in motion, and he did not see Oswald on the stairs or near the door. Baker only mentioned this (that the door might have been in motion as it was about to close) as a faint possibility when he appeared before the Warren Commission. Even then, Baker said that if the door was moving, it was almost shut. It would have had to be nearly closed, or else Baker would have had an even harder time spotting Oswald through its window; as it was, with the door shut the window would have been at a 45-degree angle to Baker. Moreover, how could the automatic door have closed or nearly closed behind Oswald (1) if Oswald was supposedly only a foot or two past the door when Baker spotted him, and (2) when Truly did not see Oswald coming down the stairs, even though Truly was running ahead of Baker? In fact, to judge from Truly's WC testimony, the door was CLOSED when Truly saw it.

There are indications that Baker and Truly arrived to the second-floor landing in right around a minute, not ninety seconds. Oswald could not have done everything the Commission and its witnesses said he did and still made it past the foyer door without being seen by Truly.

Photographs taken of the TSBD before and after the shooting show that someone was rearranging boxes in the sixth-floor window shortly after Kennedy was shot. This fact was corroborated by photographic expert Dr. Robert R. Hunt for the House Select Committee (4 HSCA 422-423). In fact, the Select Committee's photographic panel concluded: "There is an apparent rearranging of boxes within two

minutes after the last shot was fired at President Kennedy" (6 HSCA 109). Obviously, Oswald could not have been in the second-floor lunchroom meeting the building manager and the policeman while moving boxes around on the sixth floor at the same time. So who was moving the boxes less than two minutes after the shooting? Whoever it was, it wasn't Oswald.

Several people reported seeing TWO men, one with a rifle, on the sixth floor of the Book Depository shortly before the shooting (Summers 40-46; Hurt 91-94). WC defenders have pointed out some inconsistencies in their accounts, but I believe the evidence supports the essential components of their stories. One of those witnesses saw the two men on the sixth floor at around 12:15 P.M., which is when Oswald was reportedly seen by another Book Depository employee eating lunch in the lunchroom on the SECOND floor. Who were the two men? None of the descriptions of them matches Oswald. So, whoever they were, evidently Oswald wasn't one of them.

Cohen asserts that two people identified Oswald in a police lineup as the person they had seen in the sixth-floor window (33). There was only one such witness, Howard Brennan, and he gave implausible, contradictory testimony (Marrs 25-27; Lane 83-99; Brown 119-130). In fact, Brennan failed to make a positive identification of Oswald in a police lineup on November 22, even though he had seen Oswald's picture on TV beforehand (Summers 78). Only after weeks of "questioning" by federal agents did Brennan positively identify Oswald as the sixth-floor shooter. Moreover, a number of points in Brennan's account actually cast doubt on the official version of the shooting (Brown 119-130). The House Select Committee found Brennan's testimony so problematic that it ignored his story entirely.

I am inclined to believe that Brennan DID see SOMEONE firing from the sixth-floor window, but that the gunman he saw was not Oswald. I believe Brennan later identified Oswald only because he was pressured into doing so. Brennan's description of the gunman's clothing matches that given by four other witnesses who reported seeing a man in the window. Brennan and the other witnesses described the man's shirt as a regular "light-colored" shirt. However, as mentioned, Oswald did not wear a light-colored shirt to work that day.

What About the Magic Bullet?

According to lone-gunman theorists, the same 6.5 mm bullet which supposedly hit Kennedy in the back of the neck exited his throat, passed downward through Governor Connally's back, chest, wrist, and thigh, causing all of his extensive wounds, and yet emerged in nearly pristine condition to be found at Parkland Hospital shortly after the President was pronounced dead. This bullet, known to many as the "magic bullet," is officially listed as Commission Exhibit (CE) 399. Lone-gunman theorists claim that CE 399 has been ballistically matched to fragments from Connally's wrist and from the Presidential limousine, which allegedly proves Oswald shot Kennedy.

It should be pointed out that initially the WC operated on the assumption that Kennedy and Connally were hit by separate bullets. The single-bullet theory wasn't even conceived of until the news came out that another bullet had struck the curb and had caused a piece of concrete to strike a bystander named James Tague in the face. The Commission tried to ignore the reports about the errant bullet. Eventually, though, it was forced to acknowledge that a bullet had missed the limousine. The WC was then left with only one bullet to account for the President's back and throat wounds plus all of Governor Connally's extensive wounds. In response to this dilemma, Commission staffers, led by Arlen Specter, came up with the single-bullet theory.

Therefore, if the magic-bullet theory is wrong, the lone-gunman scenario collapses. To put it another way, if the single-bullet theory is incorrect, then there had to be at least two gunmen firing at President Kennedy.

The magic-bullet theory is foundationally dependent on a number of improbable assumptions. The theory assumes Oswald scored two hits out of three shots in less than six seconds firing a bolt-action rifle at a moving target from sixty feet up and from over two hundred feet away on average. The hypothesis also assumes that one of the bullets which hit President Kennedy struck him in the neck and then exited his throat. There is considerable evidence against both of these assumptions.

Many assassination researchers find it hard to take the single-bullet theory seriously because it seems so implausible on its face. As unlikely as the theory appears at first glance, however, it looks even more tenuous upon close examination. Even the Kennedy autopsy doctors were highly skeptical of the theory; one of them called it "most unlikely," and the other two agreed with that assessment (Grodén and Livingstone 64). Dr. Charles Gregory, one of the physicians who treated Governor Connally, said the bullet which hit the Governor "behaved as though it had never struck anything except him" (Grodén and Livingstone 64).

CE 399 could not be the same round that hit Kennedy because more fragments were removed from Connally than are missing from CE 399. Parkland Nursing Supervisor Audrey Bell says, "What we took off [Governor Connally] was greater than what is missing from this bullet [CE 399]." "Much greater?" Nurse Bell was asked. "Yes," she replied (Livingstone 312). She also said the following:

. . . the smallest [of the fragments] was the size of the striking end of a match and the largest at least twice that big. I have seen the picture of the magic bullet, and I can't see how it could be the bullet from which the fragments I saw came. (Grodén and Livingstone 73)

Furthermore, one fragment reportedly remained in Connally until the day he died. Therefore, there is no way the magic bullet could be the same missile that hit Connally (Grodén and Livingstone 64, 66, 491 n 9; Summers 38, 546; Livingstone 163, 304, 312).

Several pages could be devoted to discussing the conflicting and impossible trajectories of the alleged magic bullet. In testifying before the HSCA, Dr. Cyril Wecht, a former president of the American Academy of Forensic Sciences and a member of the Committee's medical panel at the time, summarized some of the problems with these trajectories:

The [HSCA's medical] panel, to the best of my recollection, was in unanimous agreement that there was a slight upward trajectory to the bullet that went through President John F. Kennedy, that is to say, that the bullet wound of entrance on the President's back, lined up with the bullet wound of exit in the front of the President's neck drawing a straight line, showed that vertically the bullet had moved slightly upward, slightly, but upward.

That is extremely important for two reasons. One, under the single-bullet theory--with Oswald as the sole assassin, or anybody else, in the sixth floor window, southeast corner of the Texas School Book Depository Building, you have the bullet coming down at a downward angle of around 20-25 degrees, something like that, maybe a little bit less. It had originally been postulated, I think, by the autopsy team, and the initial investigators, at considerably more. How in the world can a bullet be fired from the sixth floor window, strike the President in the back, and yet have a slightly upward direction?

There was nothing there to cause it to change its course. And then with the slightly upward direction, outside the President's neck, that bullet then embarked upon a rollercoaster ride with a major dip, because it then proceeded, under the single-bullet theory, through Gov. John Connally at a 25 degree angle of declination.

To my knowledge, there has never been any disagreement among the proponents and defenders of the Warren Commission report or the critics, about the angle of declination in John Connally--maybe a degree or two. We have that bullet going through the Governor at about 25 degrees downward. How does a bullet that is moving slightly upward in the President proceed then to move downward 25 degrees in John Connally. This is what I cannot understand.

My colleagues on the panel are aware of this. We discussed it, and what we keep coming back to is, "well, we don't know how the two men were seated in relationship to each other." I don't care what happened behind the Stemmons freeway sign, there is no way in the world that they can put that together; and likewise on the horizontal plane, the bullet, please keep in mind, entered in the President's right back, I agree, exited in the anterior midline of the President's neck, I agree, and was moving thence by definition, by known facts, on a straight line from entrance to exit, from right to left.

And so with that bullet moving in a leftward fashion, it then somehow made an acute angular turn, came back almost two feet, stopped, made a second turn, and slammed into Gov. John Connally behind the right armpit, referred to medically as the right posterior axillary area.

The vertical and horizontal trajectory of this bullet, 399, under the single-bullet theory is absolutely unfathomable, indefensible, and incredible. (1 HSCA 344-345; cf. 1 HSCA 357-358)

Notwithstanding all of the evidence against the magic-bullet theory, WC defenders continue to hail the neutron activation analysis (NAA) conducted by Dr. Vincent Guinn for the HSCA. Guinn analyzed a sample from CE 399 and some alleged fragments from Connally's wrist, from Kennedy's brain, and from the limousine. He concluded it was "very likely" and "highly probable" they were from the same ammunition. The HSCA's chief counsel, G. Robert Blakey, accepted Guinn's NAA without question, and he continues to portray it as absolute proof of the single-bullet theory and of Oswald's alleged guilt. Walter Cronkite's 1988 NOVA documentary, WHO SHOT PRESIDENT KENNEDY?, portrayed Guinn's conclusions as definitive. Moore and Cohen see Guinn's NAA as scientific confirmation of the single-bullet theory and of the lone-gunman scenario, with Oswald, of course, identified as the gunman (Moore 170-171; Cohen 38). However, in light of the evidence against the magic-bullet theory, Guinn's conclusions deserve to be viewed with a great deal of skepticism from the outset. As for Guinn's NAA itself, given the items he tested, as well as those he did NOT test, his NAA does not support the magic-bullet theory, nor it evidence of the lone-gunman scenario.

When Guinn began his NAA, he found that a can which had contained fragments that had apparently struck the limousine's windshield was empty, so he obviously could not test them (Grodén and Livingstone 73). The fragments from Connally's wrist that were tested in 1964 were (and still are) missing and thus were not subjected to Guinn's NAA, either (Marrs 447). Of the fragment specimens which were available to Guinn, one of them, CE 569, could not be tested because it was only the copper jacket with no lead inside (Grodén and Livingstone 73). In addition, Guinn later conceded that none of the wrist fragments available for his test weighed the same as those listed as evidence by the FBI in 1964 (Grodén and Livingstone 69; Lifton 558-559). Dr. Guinn also admitted he could not verify the genuineness of the fragments given to him for testing. There are significant gaps in the chain of evidence for the fragments that were reportedly recovered from the limousine. There was ample opportunity for substitution. These facts alone render Guinn's NAA results highly suspect, if not irrelevant.

In 1964 the FBI subjected CE 399 and fragments from Connally's wrist, from Kennedy's head, and from

the limousine to spectrographic analysis AND to NAA. One can make a case that both tests indicated the wrist fragments did not come from CE 399 (Marrs 445-446; Oglesby 87-89). When J. Edgar Hoover informed the WC's chief counsel of the results of the tests, he tried to put the best possible face on them. With regard to the spectrographic analysis, Hoover said that "no significant differences were found." In other words, "differences were found." In reference to the NAA, he reported that "minor variations in composition were found." As Hoover well knew, or at least suspected, these differences indicated that Connally's wrist fragments did not come from the magic bullet. Perhaps this explains why the results of the FBI's NAA were concealed until 1974 when their release was forced by a suit filed under the Freedom of Information Act. Dr. Guinn claims that the FBI's NAA results actually support his own. He has stated that the FBI experts who analyzed the '64 test data simply misunderstood the results.

In later years, researchers who studied Dr. Guinn's own test data found that he inaccurately described his test samples. Guinn told the Select Committee that his samples were homogeneous, yet Guinn's own published NAA research shows that his samples were NOT homogeneous. This is a key point because Guinn's conclusions about the alleged Kennedy and Connally fragments were foundationally based on the assumption that his test samples were homogeneous.

Howard Donahue's Research

Ballistics expert Howard Donahue has documented a number of important points of evidence that indicate Oswald was innocent. Donahue's theories and research are the subject of Bonar Menninger's book MORTAL ERROR (St. Martin's Press, 1992). An examination of all of Donahue's theories and documentation is beyond the scope of this article. However, I would like to summarize some of the evidence he presents that would go a long way toward convincing a jury that Oswald was innocent:

- 1) The official trajectories given for the alleged rear entrance wound on JFK's head are incompatible with a shot from the sixth-floor window.
- 2) The bullet that mortally wounded Kennedy in the head behaved like a high-velocity, frangible missile, whereas Oswald is said to have used medium-velocity, non-frangible ammunition.
- 3) The reported width of the rear entrance wound in the head, 6.0 mm, is incompatible with the diameter of a 6.5 mm Carcano bullet. (Dr. James Humes, the chief autopsist, said the rear entrance wound on the head was 6 mm wide, which means it could not have been caused by a 6.5 mm missile.)
- 4) The windshield damage was too high to have been caused by a bullet coming down into the car from the alleged sniper's nest. (Even the HSCA's trajectory expert admitted this seemed to be the case.)
- 5) Several witnesses said two of the shots came in very rapid succession, nearly simultaneously, too quickly to have been fired from the bolt-action Mannlicher-Carcano rifle.
- 6) Connally's wife and one of the Secret Service agents in the limousine both heard Kennedy cry out that he had been hit well before the Governor was wounded (which is further evidence that the two men were hit by separate shots).
- 7) There do not appear to be any traces of human tissue on the fragments that were found in the limousine, yet the WC said these fragments came from the bullet that hit Kennedy in the head. If these fragments had in fact passed through JFK's skull, they would have traces of brain tissue, blood, and fluid on them. Donahue went to the National Archives and, with the aid of a 30-power jeweler's loupe, studied the fragments from the head shot--or at least what he was told were the fragments from the head shot--

and, to his surprise, found no traces of blood or tissue on them, not even in their grooves.

8) The 6.5 mm fragment that now appears on the autopsy x-rays could not possibly have become embedded on the outer table of Kennedy's skull as a result of a direct strike from a Carcano missile. In short, if this fragment was deposited by the supposed lone bullet to the head, as WC defenders claim, then it could not have been fired from the alleged murder weapon, nor could it have sheared off the kind of ammunition that Oswald allegedly used.

Conclusion

The problems with the case against Oswald considered herein are but a handful of those that could be discussed. There are substantive questions about the validity or significance of virtually all of the other items of evidence that supposedly identify Oswald as JFK's assassin.

It is often difficult to judge how a jury will decide a case. I cannot say for sure that a particular jury would acquit Oswald of President Kennedy's murder. However, I can say that the case against Oswald is woefully lacking in substance.

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